



MEMO ENDORSED

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BY FACSIMILE

The Honorable James C. Francis IV
United States Magistrate Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street – Room 1960
New York, New York 10007-1312

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 10/18/06

October 11, 2006

Re: *Abdell, et al. v. City of New York, et al.* 05 CV 8453 (KMK)(JCF)
Adams, et al. v. City of New York, et al. 05 CV 9484 (KMK)(JCF)

Docket IN
BOTH
CASES

Dear Judge Francis:

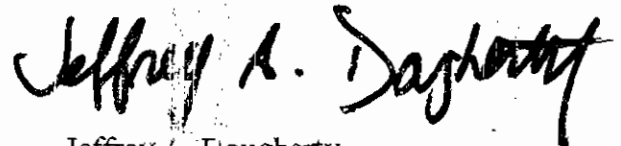
Defendants write regarding a discovery issue in the above captioned matters. Today, defendants served their Responses to Plaintiffs' Request for Admissions and Plaintiffs' Second Set of Interrogatories and Requests for Production of Documents in both *Adams* and *Abdell* (together the "Requests"). Plaintiffs' Requests were served on June 30, 2006 and the parties agreed to extend the time in which defendants had to respond up to Friday, October 7, 2006. Defendants have been working on meeting the Court's filing deadlines for various discovery issues, including, *inter alia*, their recently submitted motions seeking to compel production of plaintiff Hedemann's prior arrest documents and a motion to compel plaintiffs in these actions to provide discovery relating to their psychological histories. In addition, I have been searching for new housing in Manhattan due to an expiring lease, which has required considerable time and attention.

On Thursday, October 5, 2006, I attempted to contact Mr. Spiegel to request additional time to respond to plaintiffs' Requests but was unable to reach him. I was out of town for a family wedding in the mountains of Vermont on Friday, October 6, 2006 through Sunday, October 8, 2006, and had limited cellular reception and internet access. I spoke with Mr. Spiegel on the morning of Monday, October 9, 2006, despite my office being closed for Columbus Day, and explained my situation and requested additional time to respond to the Requests. Mr. Spiegel refused my request and indicated that he deemed the Requests admitted because they were not served by October 6, 2006.

James C. Francis IV
October 11, 2006
Page 2 of 2

Accordingly, defendants now seek the Court's relief to preclude the Requests as being automatically deemed admitted and respectfully request that the Court grant our request for two (2) additional business days (to October 11, 2006) to respond to the Requests, *nunc pro tunc*.

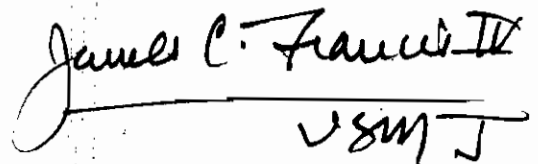
Very truly yours,


Jeffrey A. Doughterty

cc: Michael L. Spiegel, Esq. (by Facsimile)

10/18/06
Application granted. Counsel shall confer and advise the Court of a schedule for briefing the substantive issues raised in Mr. Spiegel's Oct. 17, 2006 letter.

SO ORDERED.


JCM